

**UNITED STATES BANKRUPTCY COURT
EASTERN DISTRICT OF MICHIGAN**

In re:

REBECCA M. MOSES,

Debtor.

Case No. 22-46762-mar

Chapter 11

Hon. Mark A. Randon

/

**CONCURRENCE OF HENRY NIRENBERG TO
DEBTOR'S SPOUSE'S MOTION REQUESTING ATTORNEY'S FEES
AND PUNITIVE DAMAGES AGAINST LEXIFORD PROPERTIES, LLC,
TZEDEK COMPANY, LLC, WATERTON PROPERTIES, LLC, DEBTOR,
DAVID WOLKINSON AND KENNETH BEAMS FOR STAY VIOLATIONS**

Henry Nirenberg concurs in the relief requested under Debtor's Spouse's Motion Requesting Attorney's Fees And Punitive Damages Against Lexiford Properties, LLC, Tzedek Company, LLC, Waterton Properties, LLC, Debtor, David Wolkinson And Kenneth Beams For Stay Violations. (**Docket No. 120**).

1. After this Court granted relief from the stay, Nirenberg filed a renewed motion for joinder of the Buyers/Wolkinson to the existing divorce case, to assert claims relating to the Properties at issue. Buyers/Wolkinson, through their state court counsel, opposed the motion, which the state court has taken under advisement.

2. After Nirenberg discovered the federal action had been filed, and Buyers/Wolkinson failed to dismiss the action after multiple demands, Nirenberg filed a separate motion in the divorce case to enforce the injunctive provisions of the Receivership Order to compel them to voluntarily dismiss the federal action.

(The Receivership Order prohibits them from commencing proceedings to try to interfere with the Properties, the receivership, and the state court's jurisdiction).

3. However, both Debtor and Buyers/Wolkinson have also opposed that motion. The state court has taken that motion under advisement too.

4. For unconfirmed reasons, the Debtor's filings evidence that she prefers that the Buyers/Wolkinson stay owners and retain possession of the Properties -- which if recovered would yield a greater amount for the marital estate for equitable division to both her spouse and Debtor (and her creditors).

5. Innocent or willful, Buyers/Wolkinson violated the automatic stay. The filing of the federal action is void *ab initio*. The federal action must be dismissed. If the filing was in willful violation of the stay, sanctions are appropriate too. If the Buyers/Wolkinson's filing was initially an innocent violation of the stay back in Sept. 2022, their current and continuing refusal to dismiss the federal action has now become willful. If so, sanctions are appropriate.

6. In any case, at a minimum, they must be directed to dismiss the federal action.

Debtor's Spouse's Motion should be granted and relief awarded that is amenable in accordance with the Court's discretion.

Respectfully submitted,

SK DETROIT LAW PARTNERS, P.C.

By: /s/ David T. Lin

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Date: December 9, 2022